

STROOCK

VIA ECF

December 7, 2015

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Hon. Paul G. Gardephe
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

Re: Western Union Financial Services, Inc. v. Metropolitan Check Cashing, Inc.,
et al., No. 15-cv-8177(PGG)

Your Honor:

The above-captioned case was removed to this Court following the September 16, 2015 order of the National Credit Union Administration Board (the “NCUA Board”) placing defendant Bethex Federal Credit Union (“Bethex”) into conservatorship and appointing itself Conservator. On October 23, 2015, the Court granted the Conservator’s motion for a stay of proceedings pursuant to 12 U.S.C. § 1787(b)(12)(B).

Concurrently with this letter, the Conservator has moved for reconsideration of the state court’s decision denying Bethex’s motion to dismiss the complaint and cross-claims against it. On November 23, 2015, my colleague advised counsel for the other parties that the Conservator intended to move for reconsideration upon the expiration of the stay and requested the parties’ consent to an extension of the deadline to answer the complaint and cross-claims until after the motion for reconsideration is decided. Counsel for the cross-claiming defendants consented to this extension. On Friday, December 4, 2015, counsel for Western Union advised that it did not consent.

Because the motion for reconsideration will, if successful, fully dispose of this action, I write to request that the Court extend the deadline to answer until a reasonable period after the motion for reconsideration is decided. We believe the stay expires today, but we did not make this request previously because we were only informed on Friday that Western Union did not consent.

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Respectfully,

/s/
Bruce H. Schneider

cc: All Counsel (by ECF and email)